

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Helena Headquarters
1420 East 6th Avenue
Helena, MT 59620

JUNE 10, 2004

Commission Members Present: Dan Walker, Chairman; Tim Mulligan, Vice-Chairman; John Lane; Mike Murphy; John Brenden.

Fish, Wildlife & Parks Staff: Jeff Hagener, Director; FWP Department personnel.

Guests: Marvin Miller, MT Bureau of Mines and Geology; Rep. Jim Keane; Rep. George Golie; Dave Gibson, Governor's Office; Geoff O'Connor, IMC; Mark Brack, MGEA/MABA; Ralph Peck, Director, MT Dept. of Agriculture; Joe Murphy, NCI; Philip VanRensburg, IMC; Stan Bradshaw, Trout Unlimited; Bruce Bugbee; Sue Dalbey; George Gallagher; Greg Tollefson, Five Valleys Land Trust; Ron Ericsson; James Halseth, MTA; Charles Shametelter; Monte and Mary Ellen Schnur, MOGA; Larry Copenhaver, MWF; Dud and Emily Burnett, MTA; Sid Rundell, Pheasants Forever; Jeff Young, Polson Outdoors; Bee Hall, Nature Conservancy; Sky Halsey; Melissa and Paul Tuemmler; Michele and Dave Vidrich; Robin Cunningham, FOAM; Roland Deane, MSHA; David Guillard, Conservation Alliance.

Topics of Discussion:

1. **Opening - Pledge of Allegiance**
2. **Approval of May 12, 2004 Commission Minutes**
3. **Approval of Commission Expenses through May 31, 2004**
4. **Recognition Award to Dan Vincent for 30 Years of Service to FWP**
5. **International Malting Company Water Lease and Easement Agreement – Final**
6. **Painted Rocks Water Lease – Endorsement**
7. **Delegation of Authority to Close Waters to Fishing – Final**
8. **Alberton Gorge Land Exchange – Final**
9. **FWP Budget and Legislative Proposals – Final**
10. **River Recreation Management Administrative Rule – Tentative**
11. **2004 Furbearer Regulations and Quotas – Tentative (Bobcat, Otter, Wolverine, Fisher, Pelt Tagging)**
12. **2004 Moose, Sheep & Goat Quotas – Final**
13. **2004 Lion Quotas – Final**
14. **Weaver Slough CE Acquisition - Final**
15. **Ringneck Property Fee Acquisition – Final**
16. **Blackfoot Clearwater WMA – 50th Anniversary Completion – Final**
17. **Whiskey Ridge Update – Informational**
18. **Public Opportunity to Address Issues Not Discussed at this Meeting**

1. Opening - Pledge of Allegiance. Chairman Dan Walker called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

2. Approval of May 12, 2004 Commission Minutes.

Action: Lane moved and Brenden seconded the motion to approve the minutes of the May 12, 2004 meeting. Motion carried.

3. Approval of Commission Expenses through May 31, 2004.

Action: Brenden moved and Mulligan seconded the motion to approve the May 31, 2004 Commission expenses as presented. Motion carried.

4. Recognition Award to Dan Vincent for 30 Years of Service to FWP. FWP Director, Jeff Hagener, presented Dan Vincent with a wooden hand carved duck made by Big Sky Carvers as a token of appreciation for his 30 years of dedication to FWP, and related many of his outstanding achievements.

5. International Malting Company Water Lease and Easement Agreement – Final. Chris Hunter, FWP Fisheries Division Administrator, said FWP was approached in 2002 by the Governor's Office, the Montana Department of Agriculture, and the City of Great Falls to meet with the International Malting Company (IMC) people to discuss the potential for an agreement for them to use water from Giant Springs and Giant Springs Hatchery for a barley malting plant. The request involves 1,200 gallons of water per minute from Giant Springs, as well as the infrastructure of the hatchery to move water to an IMC pumping station. Hunter said negotiations have gone smoothly, and agreements have been reached on both the water lease and the easement.

Walker welcomed comments from the audience regarding their standpoints on this proposal.

David Gibson, Governor's Office, Economic Development, stated that Governor Martz had requested that he speak on her behalf as she is attending the funeral services of past President Ronald Reagan and would not be available to attend today's Commission meeting. After thanking FWP for the work they have done on this project, Gibson said the development of this plant is of tremendous economic value to the State of Montana. He stated that, historically, malting plants operate for many years, and an operation such as this could generate revenue in Montana for a century or more. The Governor's office is in support of this project.

Ralph Peck, Director, Montana Department of Agriculture, said a great deal of hard work has gone into recruiting this plant into Montana. He added a barley malting plant would be of huge economic value to agriculture - approximately \$42 million annually. Department of Agriculture is in support this project.

Mark Brack, Montana Grain Elevator Association and Montana Agriculture Business Association, concurred that this malting plant would positively impact the agriculture industry and these two organizations are in support of the project.

A spokesman for the Montana Farm Bureau and Grain Growers Association stated that this malting plant is the largest project for agriculture producers in a long time. They have enjoyed a long-term relationship with IMC, and have worked hard to see that IMC looked into sites in Montana. The high quality of water and malting barley are two reasons IMC came to MT. He said this plant will add value to the entire state, not only to the agricultural economy. They are in support of the project.

Geoff O'Connor, IMC Chief Financial Officer, thanked FWP, and he stated this project is an important investment to them and to Montana. They have other malting plants that are 150 years old - this will not be a short term endeavor.

Jerry Chavez, President of the Great Falls Development Authority, supports this proposal. He said the numbers are significant for capital investment and the economic impact that will be brought to MT. He added that it is noteworthy that Montana has secured this project.

Representative George Golie said he is in opposition to this proposal. He is concerned about the price of the water lease; the value of the water itself. He said this lease price provides water to IMC for \$.15 per 100 cubic feet, when retail and residential consumers pay considerably more. He asked how this is justified? He added that IMC may be paying too much for the water or they may be paying too little as their use of the water is for non-consumptive purposes. Golie also addressed the use of the hatchery infrastructure. He said sportsmen of Montana have paid for the infrastructure that IMC will be using. He has found no justification or accounting to the sportsmen of what the price should be.

David Brown, President of Source Giant Springs Bottling Company said his company is not opposed to the project, however, their concerns lie in maintaining and not damaging the spring. The area is cracked sandstone, which provides a conduit for water to pass through. There is a large natural fissure there and they feel drilling through the stream bed could be disastrous, upsetting the delicate balance of the aquifer. The aquifer has already dropped considerably in the last 20 years. Brown said there is no guarantee that a fissure will not be destroyed. He said this spring is a natural treasure and a valuable resource. He suggested that IMC put up a \$50 million bond.

Representative Jim Keane said the process set forth in statute for situations such as these has not been followed since it was at the request of the Governor's office. Keane said there is no documentation that the process has been followed. He is concerned about a lack of negotiations for increases in the future if they are warranted. If IMC does not use the amount of water they asked for, he fears they may want to negotiate a lesser rate.

A spokesman from AFL/CIO said the price of the water is too cheap, and that IMC is hiring workers from out of the country. He said economic development must be done so the public does not get taken advantage of.

Hunter said Great Falls is providing water from two sources, and they are charging \$.16 per 100 cubic foot. He stated that the use of the infrastructure is figured into the cost of the lease. The amount FWP is charging is similar to comparable water.

Joe Murphy, Neil Consultants, a consulting engineer working with IMC, spoke to the drilling aspect. His company helps to coordinate test holes, and in this case the testing revealed no surprises. There should be no risk in drilling.

Marvin Miller, a geologist from the Montana Bureau of Mines and Geology in Butte, said their involvement in this project has been to remap, in detail, the geology of that area, and to conduct groundwater work. He said the spring is a world class aquifer and world class spring which is recharged from the Little Belt Mountains. It discharges into the Missouri River in numerous locations, but the primary point of discharge is at Giant Springs, and is a tremendous resource. This is Kootenai sandstone, 400 feet thick, and below that is a 50 feet thick Madison sandstone formation. Drilling will be 20 feet under the river in the sandstone. Five dams have been built on these sandstone units on the river, and there has never been any instability with these massive structures. Miller said it is similar to inserting a needle through there, and he added that here has been one drilling prior to this.

Drilling will be done at a 25-degree or more angle, and there are a number of monitoring wells which are a part of ground water assessment. He attributed the decline of water in the spring to drought and not overuse. He does not feel there will be any negative impact relative to the horizontal drilling.

Walker and Mulligan expressed appreciation for the expert testimony provided by Miller. Walker questioned if a fissure is encountered, can it be plugged, to which Miller replied that it could. Miller said this type of drilling has been done numerous times, and in locations with much worse conditions than this. Miller said the Bureau of Mines and Geology would perform additional monitoring if FWP desires, and he stated that the test wells are also a valuable resource in looking at long-term drought. Hunter will follow up with Marvin Miller regarding the additional monitoring well.

Joe Murphy stated that there have a number of permits issued by federal and state agencies who control the rivers, and EAs have been conducted by additional experts. He added that there will be monitoring of the wet well at the hatchery as well.

Action: Lane moved and Brenden seconded the motion to accept the agreement as negotiated by the Department and IMC for the lease of 1,200 gallons of water per minute from Giant Springs Hatchery, for the use of the infrastructure for obtaining the water from Giant Springs, and for the easement for IMC's pipeline for moving water to their facility. Motion carried.

6. Painted Rocks Water Lease – Endorsement. Painted Rocks Reservoir, owned by DNRC, is located on the West Fork of the Bitterroot River. **Chris Hunter, FWP Fisheries Division Administrator**, explained that FWP has leased 10,000 acre-feet of water per year from Painted Rocks Reservoir for the past ten years. This lease expires in September, 2004, consequently, FWP is working with DNRC toward renewing the lease. The Western Water Project of Trout Unlimited has also joined in this effort by offering to contribute \$400,000 toward a long-term purchase of water, and the Painted Rock Water User's are being included in the negotiations as well; their lease also expires in September.

The lease will require FWP to pay its share of annual operation and maintenance costs, and its share of any major expenses incurred. Funding comes from a trust fund established years ago with money from Montana Power Company dedicated for only these types of water purchases. The \$400,000 provided by Trout Unlimited will be added to the trust fund money. Our annual lease payment is \$15,000 per year. Hunter also noted that DNRC has cautioned that the age of the dam may possibly create substantial work and expense in the future.

Action: The Commission unanimously endorsed the negotiation of the Painted Rocks water lease.

7. Delegation of Authority to Close Waters to Fishing – Final. **Chris Hunter, FWP Fisheries Division Administrator**, explained the request for authority to close waters to fishing is an annual request brought to the Commission to gain delegation of authority to close waters due to drought or emergency situations. Authority is delegated to the FWP Director, and the district Commissioner where the water is located, or the adjacent district Commissioner should the district Commissioner be unavailable, or the Chairman.

Action: Brenden moved and Lane seconded the motion to delegate the authority to close waters to fishing to the FWP Director and the Commissioner in whose district the water is located during the drought of 2004. Delegation will be given to the adjacent district Commissioner should the district Commissioner be unavailable, or to the Commission Chair should both Commissioners be unavailable. Motion carried.

Walker said due to information he had received, he is directing Hunter to prepare a tentative rule regarding the reversal of the warm water fisheries policy. He wants this handled in a timely manner to illustrate that the Department intends to move forward with this as quickly as possible. In addition, he suggested Hunter work with Legal and Enforcement to implement a bill to issue a lifetime fishing ban for people who introduce illegal fish into waters.

Hagener said it is necessary to determine how to obtain the fish for stocking; an assessment of the hatcheries must be conducted. Fort Peck Dam fisherman want the walleyes and would be unhappy if they were shipped to other waters. Mulligan said a tentative will allow the public to make comments on their opinions of this. Brenden said it will let the public know that the Commission is open for discussion.

Mulligan said FWP has dropped the ball on warm water fishing in Region 1, and it needs to be rectified. Walker said he is only asking for a tentative on the policy. He is asking for preliminary information on stocking waters, but not particular waters.

8. Alberton Gorge Land Exchange – Final. Glenn Erickson, FWP Field Services Division Administrator, said this exchange is a complex, four-party transaction. Alberton Gorge is a 7-mile stretch located 40 miles west of Missoula on the Clark Fork River, and is popular for fishing and whitewater rafting. Issues have been addressed and mitigated. This entire section of river could be accessible to the public if FWP is successful in this land exchange. Three sites have been identified to account for Wallop-Breau money used to purchase land that will be exchanged. DNRC is currently discussing a land exchange with Five Valleys Land Trust. The Five Valleys Land Trust will purchase land from Northwest Energy and then transfer it to FWP. The final appraisal results are due next week.

The dam at Park Lake is hazardous, and must be brought up to standards before the Forest Service will take it over. The Department already plans to bring it up to state standards, if the Forest Service requires more to meet federal standards, FWP may have to accommodate those requirements as well.

Mack Long, FWP Region 2 Supervisor, said negotiations were started over 12 years ago for long-term preservation. This area has remained pristine. He said there is a tremendous amount of public interest with many diverse opinions. Long read a letter from the Mineral County Commissioners who are in support of this proposal.

Walker invited interested Commission meeting attendees to comment.

Greg Tollefson, Five Valleys Land Trust, said they are an organization driven by community activities, and have been active for 31 years. They have been involved in a number of collaborative efforts, and are happy to assist in this project. They are committed to seeing this project through, and have made a long-term commitment to the needs of Mineral County. They support this proposal.

Peter Dayton, kayaker and attorney from Missoula, said it is a beautiful section of river and it is heavily used for fishing, floating and picnicking. He supports this land exchange. When Lane asked if he foresees overcrowding, Dayton replied that it is heavily used but did not see a problem if commercial use is regulated. He added it is a beautiful resource, and he is glad to see it protected.

Brenden asked if this would affect the tax base in Mineral County, to which Tollefson replied that they are in the process of negotiating an exchange with DNRC for a series of isolated lands which will become available to private buyers to repay the loan to buy the land so the project would not affect the tax base. Tollefson also said the community remains interested in retaining timber management.

Action: Murphy moved and Mulligan seconded the motion to approve the Alberton Gorge land exchange as proposed by the Department. Motion carried.

9. FWP Budget and Legislative Proposals – Final. Dan Ellison, FWP Administration & Finance Division Administrator, said the Department is funded by 60 state special revenue accounts and federal funds, with restrictions and earmarks on how the money can be spent. Of concern is the general license account which is the key to the operation of FWP. More than half of FWP's expenses are funded through license revenues, and expenditures have exceeded revenues for the last several years. Non-resident fees increased in 2002, but the Department has not increased resident fees since the 1991 legislative session. Program reductions may be necessary if resident fees are not increased. Ellison reiterated that FWP is dependent on license fees and federal funds, and the general license account will not be able to sustain the current rate of expenditures past 2007.

FWP no longer has general fund appropriations as of the legislative session in 2003. Federal funds account for approximately 30% of FWP's revenue. Federal funding requires match, which creates challenges. If the 2005 legislature approves fees increases, they will take effect in FY2006, and increased revenue will be available in FY2007.

Expenses occur in 5 major categories. Personal services (which accounts for approximately half of the costs), contracted services for operating expenses, supplies and minor tools, job-related travel (day to day travel for wardens, biologists, etc), and capital expenses. Expenses are also driven by demographics that can change program priorities, as well as inflation, litigation, and diseases (whirling disease, PCBs, brucellosis, etc).

Sue Daly, FWP Budget Development Bureau Chief, said a 4% total growth in expenditures is built into the long-term fiscal management strategy. 2% of that has been reserved to fund a pay plan if legislature passes one. She said she has talked with counterparts in other states regarding the 4 percent growth, but FWP can't be compared to them as they are general fund agencies and have to compete with each other for the money.

Daly briefed the Commission on the new projects FWP is considering. The complete packet of information is included in the June Commission file.

Administration & Finance

Automated License System Operations Transition from Contracted Services to FWP Support. This is a request to transition ALS to a state supported process. The current contract, expiring in February 2006, is with MCI, who is emerging from bankruptcy status. Many of MCI's subcontractors are located offshore. FWP feels risks will be limited with a state supported system, and a more cost effective operation will result. License agents fees will probably not increase, and their ALS access may be possible through the Internet rather than by a dial-up procedure.

Field Services

Air Operations Support – In response to legislation requirements to enhance deer, antelope, and elk surveys.

Block Management – The legislative funding authority sunsets in March of 2006. If the sunset is removed or extended this reduction will not occur.

Fisheries

Fort Peck Hatchery – Warm water fish enhancement priority. Warm Water Stamp and federal money. No general license money involved.

Fisheries Field Technicians – Priority to expand work in Eastern Montana. An ongoing effort to adequately staff the Regions.

Lower Missouri River Fish Management – Response to increased fishing pressure in Eastern Montana.

Lower Yellowstone River Operations – Species management position and pallid sturgeon research. Currently funded by federal funds from WAPA, but FWP would rather use general license monies and federal funds as WAPA is limited and can be unreliable.

USFWS Virology Contract – Virology diagnostics have been free of charge, but USFWS will begin charging in FY06.

Law Enforcement

Regional Investigators – Provide warden presence and enhanced investigation capabilities through 2 positions. Kropp said they are regional investigators so will be assisting wardens on long-term investigations (predominantly felony violations) that field wardens have limited time for.

Seasonal Water Safety – Create 1 ½ water safety officer positions – contingent upon federal level that would provide MT with more Coast Guard money.

Block Management - The legislative funding authority sunsets in March of 2006. If the sunset is removed or extended this reduction will not occur.

Fishing Access Site Enforcement – Add 1 FTE to address enforcement issues within the FAS program.

Wildlife

Enhanced Wildlife Surveys – In response to legislation requirements to enhance deer, antelope, and elk surveys. Partnered with Field Service air support.

Black Bear DNA Study - Begin DNA research on black bears to comply with Black Bear EIS and to defend decision to allow black bear hunting.

Wildlife Conflict Specialists – Two FTE to address wildlife conflict issues.

Parks

Field Maintenance and Operations and FAS Maintenance and Operations – To implement recommendations by Futures Committee to maintain and improve public services at State Parks. The \$4 license plate fee provides a new source of revenue. Daly said reports are still under scrutiny to determine the rate of success of this fee. Doug Monger, FWP Parks Division Administrator, said results have looked good over the past 5 months this has been instituted. He added that some counties are not reporting in, and some refunds are still being made. This fee is specific only to this program – it cannot be utilized for wildlife issues. Brenden requested that he be kept apprised of the results of the \$4 fees.

Conservation Education

To develop an educational component at the Wildlife Center at Spring Meadow Lake. Private donations provide money, and the fire generated \$400,000.

Department Management

FWP Website Management – To enhance customer service through the website.

River Recreation Management – To add an FTE to address river conflicts and river access issues.

Litigation Expenses – To increase legal unit staffing. The litigation workload has greatly expanded, and it is more cost effective to hire an FTE than to contract out.

Regional Utilities – To provide funding for rising costs in utilities.

Regional Citizen Advisory Committees – To provide reimbursement to citizens who are involved in FWP councils and committees where they provide input as to public interests and values.

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FWP Capital Projects -- The complete packet of information is included in the June Commission file.

Daly explained the capital projects are decided through a different committee process within legislature. Many are funded through dedicated funding sources for specific projects. Projects identified by FWP are: Future Fisheries, FAS Maintenance, FAS Site Protection, FAS Acquisition, Hatchery Maintenance, Community Fishing Ponds, FWP Dam Repairs, Boat Washing Stations, Fish Cleaning Stations, Fort Peck Storage/Office Space, Big Springs PCB Cleanup, Rose Creek Hatchery, Habitat Montana, Upland Game Bird Program, Wildlife Habitat Maintenance, Migratory Bird Stamp Program, Motorboat Recreation, Cultural and Historical Parks, Capitol Complex Grounds Improvements, Grants Program/Federal Programs, and Administrative Facilities Repairs and Maintenance.

Studies are being conducted regarding the Big Springs PCB cleanup project. The amount requested is merely an estimate at this point. The Congressional Delegation is exploring the availability of federal funds that may be available. The Attorney General's office is looking into whether the paint company has been sued before; the pursuit of litigation may provide money for the project as well. General license funds will have to be used if another source of funding is not found. This request is for clean-up of the creek, it is hoped that the hatchery will be done this year.

Hunter said the boat washing station is proving successful; people are very cooperative.

Walker asked to what extent the savings have been as a result of ALS automation. Ellison replied that efficiency, convenience, and customer satisfaction are great, but cannot be put into numbers. He will prepare an analysis of the number of FTE employed in 1999 and the number of transactions made at that time for comparison with today's same information.

Action: Walker moved and Lane seconded the motion to approve the budget decision package as recommended by the Department. Motion carried.

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LEGISLATION

Chris Smith, FWP Chief of Staff, said that although legislative packages do not need Commission approval, the Department looks to the Commission for guidance and concurrence. Smith briefly discussed the proposed 2005 legislation.

Reauthorize Hunter Access Enhancement Program (Block Management) - A flyer describing this program has been developed for distribution. FWP's recommendation is to repeal the sunset.

Reauthorize The Habitat Montana Program - A flyer for this program has been developed for distribution as well as the establishment of an active public campaign.

Resident Fee Increase - Historically, resident fees have been increased every 10 years which generates a positive cash balance to spend over the span of those years. The Department now is operating in a deficit status and needs to bring revenue up to the current level of expenditures. All of Montana's licenses are substantially lower than other states, and even with the proposed increase, Montana will still be lower. Smith said this is not a long-term fix, and Walker suggested that the Commission review fees every 5 years instead of every 10.

Prohibit the Sale of Trophy Wildlife Parts or Mounts - Smith said the Governor's office declined approval of this proposal.

Annual Recertification of Boat Registration - When legislature passed HB559, it provided for permanent registration for certain vehicles, which then created glitches. Without annual recertification, FWP does not receive Coast Guard money, and boats are illegal when taken out of state.

Surcharge for Search and Rescue and State Lands Access - A surcharge was charged, but conservation licenses included in non-resident combination and resident sportsmen's licenses was not included when the Search and Rescue and School Trust Lands Access surcharge were added by 2003 legislature. This legislation would correct it.

Extend Termination of County Recreational Boating Safety Grants - Would extend or make permanent the grant program assisting boating safety, enforcement and education.

Non-Resident Turkey Tag Sales - ***Would allow nonresidents who have a B1, B10 or B11 tag to purchase a turkey tag for \$55 instead of \$110.***

Non-Resident Youth Discount License - Would create an additional 500 nonresident youth licenses at half the price of the regular nonresident license.

Strengthen Boating Under Influence Law - Would clarify the standard for alcohol concentration and testing and repercussions.

Private Pond License Term - Would establish a limit of years private pond licenses are valid and provide provisions for renewals. Mulligan asked for information on how many there are, and what the impact is.

Allow the Commission to Remove Species from the State ESA List - Would allow the Commission to remove a species from the state's list of endangered species through the rule amendment process rather than waiting for the legislature to do so.

Revise Felony Sale and Possession of Wildlife - Would clarify language in MCA 87-3-118 regarding felony sale and possession of wildlife.

Remove Fishing Access Enhancement Sunset - Would extend the fishing access enhancement program that is scheduled to sunset in March 2006.

Parks Capital Program with Board of Investments - Gov office did not approve so it is removed from list.

Transfer operations of Capitol Grounds to Department of Administration - Would transfer maintenance responsibilities to Department of Administration.

Clean up Legislation for FWP Land Acquisitions - Would eliminate the need for the Commission to approve right-of-ways, would allow conservation easement to include historic purposes, would clarify that FWP is not billable for property taxes on administrative buildings, and would allow small land sales to fix encroachment and boundary problems without going to bid.

Urban Wildlife Issues - Would serve as a bill placeholder for urban wildlife issues.

Action: The majority of the Commission concurred with the recommendations of the Department. No motion was necessary.

10. River Recreation Management Administrative Rule – Tentative. Charlie Sperry, FWP Recreation Management Specialist, presented the tentative river recreation Administrative Rules. They were developed based on recommendations made by the River Recreation Advisory Council (RRAC) after 8 meetings and several public forums. Final edits were made to the rules following the April Commission meeting to reflect recommendations made by the Commission. Mulligan said the tentative rules would solicit further comments.

Action: Mulligan moved and Walker seconded the motion to adopt the proposed tentative river recreation administrative rules as recommended by the Department and proceed with rulemaking under the Montana Administrative Procedures Act. Motion carried.

11. 2004 Furbearer Regulations and Quotas – Tentative (Bobcat, Otter, Wolverine, Fisher, Pelt Tagging). Jeff Herbert, FWP Wildlife Division Assistant Administrator, and Gary Hammond, FWP Wildlife Management Bureau Chief, discussed the proposed quotas. A complete packet of the information is filed in the June 2004 Commission file.

School Trust Land Regulations

Action: Mulligan moved and Lane seconded the motion to approve the revised School Trust Land trapping regulations. Motion carried.

Export

Added the word “furbearers” and an address revision

Action: Brenden moved and Lane seconded the motion to approve the revised Export section of the trapping regulations. Motion carried.

Beckman Wildlife Management Area

New regulation to Beckman WMA

Action: Lane moved and Mulligan seconded the motion to approve the Beckman Wildlife Management Area regulations. Motion carried

BEAVER

One closure change in Beaverhead County.

Action: Mulligan moved and Murphy seconded the motion to approve the closure change. Motion carried.

James Halls, MT Trapper’s Association (MTA), recommended changing the season opening date from November 1 to October 10 in Region 6, as trappers are already out when beaver are doing the damage. There is the potential for incidental take. Brian Giddings, FWP Furbearer Coordinator, said the season dates were set due to surrounding season dates. This date change is suggested because Beavers are sought for garments during this time period.

Much discussion ensued regarding seasons, permitting, trigger setting, types of traps, the inability to check trap lines for days at a time, the money the pelts bring in, and compliance issues.

John Hughes, Roundup trapper, said trigger setting will be addressed in an education program through MTA. Paul Tuemmler, Townsend trapper, said the early season causes concerns about otter being trapped with the beaver. He said otter and beaver are not prime in October. There needs to be a different way to take beaver than they are doing now. Giddings agreed there is a chance of incidental taking of otter. He said this could be addressed in regulations or in an educational brochure addressing damage control. Lane said he does not want to see incidental catches happen.

Action: Brenden moved and Lane seconded the motion to change the opening date to October 10 in Regions 4,5,6,7. Motion carried.

Jim Kropp, FWP Enforcement Division Administrator, said beaver damage permits are required by state law. They are issued to landowners and not to trappers. The criteria for trapping is in statute. No permits are needed for June, July, and August so they can deal with the problem beavers during that time.

Action: Walker moved and Brenden seconded the motion to extend the season from September 1 to April 15 in Regions 4,5,6,7. Motion carried.

Chris Smith, FWP Chief of Staff, said if the season is closed, a permit is needed.

Action: Walker moved and Brenden seconded the motion to extend the season from September 1 through May 31. Motion carried.

OTTER

Limit

Implement a limit of 2 otters per individual trapper.

Action: Mulligan moved and Lane seconded the motion to approve the quota limit of 2 otter per trapper.

Discussion: A gentleman in the audience asked that the limit should be raised. Giddings recommends no changes in quotas of otter. He said two years ago there was a great deal of discussion on this very same topic, and the intent then was to put a cap on it, and FWP feels the quotas now are already above the long-term average.

Action on Motion: Motion carried.

Action: Walker moved and Lane seconded the motion to increase the quota in Region 1 from 20 to 21, to increase the quota in Region 2 from 18 to 19, and raise the quota in Region 3 from 35 to 36.

Discussion on Motion: A MTA spokesman said it's hard to set quotas when you don't have numbers, and he recommends doing a count. Teummler said he has not seen any otters this year, and advised using caution in increasing quotas.

Action on Motion: Motion carried.

Reporting

The telephone number used by trappers to report their harvest will be standardized with only one telephone number.

Mellisa Tuemler, Furtrappers of MT, suggested the number should be toll free. Giddings said the number FWP has is an answering service which is not a toll free number, however they keep good records, and can be reached 7 days a week, 24 hours a day. It's the same number used for reporting mountain lion harvest. This reporting phone line cannot be an automated line as applicable questions need to be asked and answered. Walker said this situation needs dealt with as people who used to call local numbers to report to their regional office now will be calling long distance. Herbert said FWP will look into setting up a toll free number.

Action: Lane moved and Murphy seconded the motion to approve the Reporting regulation amendment with the specification to check into a toll free number. Motion carried.

Pelt Tagging

Change tagging requirement from 5 days to 10 days. Kropp said after 10 days the site does not reveal much - 10 days is too late. The 24-hour notice is sufficient. Much discussion followed regarding the timelines for reporting. Walker asked that Giddings develop some kind of confirmation number on the 24-hour call.

Action: Mulligan moved and Walker seconded the motion that trappers be required to personally present the otter pelt for tagging to an FWP employee within 10 days of the season closure or before selling the pelt. The Department must also look into the possibility of establishing a toll-free reporting telephone number.

Discussion: Herbert is concerned that wardens will not check the reporting database, so the quotas and information will be unknown. Mulligan directed the Department to provide the 24-hour reporting information to regional wardens daily. Herbert said something else to keep in mind is how much information will be required when a trapper calls in to reports the harvest.

Action on Motion: Motion carried.

Incidental Take

This is a new section to the regulations, and will be included in all species. Giddings said this is a local issue so the trapper needs to call a local FWP employee rather than the central number.

Action: Walker moved and Lane seconded the motion to approve the Incidental Take regulations as recommended by the Department. Motion carried.

Export

Wording change and new address.

Action: Walker moved and Lane seconded the motion to approve the Export regulation amendment as recommended by the Department. Motion carried.

BOBCATS

Extensive conversation / debate ensured regarding the whole bobcat and trapping issue with MTA requesting greater quotas all around.

Limit

Action: Mulligan moved and Walker seconded the motion to approve the bobcat Limits as recommended by the Department.

Discussion: Kurt Alt, FWP Region 3 Wildlife Manager, said the quota (increased last year) was over-run, and he was told to close the season. In the 48-hour reporting period after closure notification, there were 69 bobcats reported. This makes quotas ineffective. Trappers are not complying with FWP regulations. Alt suggested closing the season earlier if quotas are not lowered. Mulligan said almost all of the districts are exceeding quotas, which means something needs to be done. Walker said he is not perturbed about going over quotas, however, Region 3 was over by a large amount. Murphy feels there are many cats to be taken, and does not support the Department recommendation to limit each trapper to 3 cats in Region 3.

Roland Dean, Houndsman's Association, said in Regions 1-5 the quotas are being filling faster and earlier every year. The value of the pelts is increasing so more cats are being taken. The trappers are taking the greater share of them.

Jim Halseth, MTA, said regulations should be set for trapping 7 cats in each district. Kropp said the regulations mean 7 total – not 7 in each region. Dave Vidrich, a trapper from Butte, said he thinks the regulations mean you can trap in all regions to get your total. Michelle Vidrich, also a trapper from Butte, said other trappers she knows trap in all three districts and get 7 total. Monte Schnur, MOGA, said he thinks cats are increasing.

Alt said another alternative if trappers want to remain at 7 per trapper would be to hold a shorter season next year. He is upset with compliance issues, but he also possesses biological information that indicates that there are not a lot of young cats taken. The data does not indicate a high population.

Mulligan suggested, and Walker agreed, that the Department go to a permit system if compliance cannot be gained. Alt said the price for pelts is high so trappers are more aggressive. Mulligan stated

that there are people who are not at this meeting today that would like to see the individual quota reduced. The MTA does not represent the entire trapping industry. Melissa Tuemmler, trapper from Townsend, stated clearly that MTA does not represent all trappers in Montana.

Action on Motion: Motion carried. Four in favor – one opposed (Murphy opposed).

Quota

Region 1 - Bobcats

Action: Walker moved and Mulligan seconded the motion to approve the Region 1 bobcat quotas as recommended by the Department. Motion carried.

Region 2 – Bobcats

Action: Walker moved and Mulligan seconded the motion to approve the Region 2 bobcat quotas as recommended by the Department.

Discussion: MTA wants to increase the quota by 20 more than recommended. John Firebaugh, FWP Region 2 Wildlife Manager, said the Region remained with the quota of 180 as the quota has been met twice in the last 4 years. They recommend remaining at the quota as specified.

Action on Motion: Motion carried

Region 3 – Bobcats

Action: Mulligan moved and Murphy seconded the motion to approve the Region 3 bobcat quotas as recommended by the Department.

Discussion: MTA wants to increase the quota by 50 more than recommended. Murphy said he feels the number of cats have increased, but he wants to find out for sure. He said that since Alt feels so strongly about the numbers, he will support the recommendation by the Department.

Action on Motion: Motion carried.

Region 4 – Bobcats

Action: Lane moved and Walker seconded the motion to approve the Region 4 bobcat quotas as recommended by the Department. Motion carried.

Region 5 – Bobcats

Action: Walker moved and Lane seconded the motion to approve the Region 5 bobcat quotas as recommended by the Department.

Discussion: MTA wants to increase the quota to 500.

Action on Motion: Motion carried.

Region 6 – Bobcats

Action: Walker moved and Lane seconded the motion to approve the Region 6 bobcat quotas as recommended by the Department.

Discussion on Motion: MTA wants to increase the quota by 50 more or at least leave it where it is. Harold Wentland, FWP Region 6 Wildlife Manager, said the percentage of juvenile cats has decreased a great deal, and the Region feels this proposal needs to go to public for their perspectives.

Action on Motion: Motion carried.

Region 7 – Bobcats

Action: Lane moved and Mulligan seconded the motion to approve the Region 7 bobcat quotas as recommended by the Department. Motion carried.

Reporting and Pelt Tagging

Action: Mulligan moved and Lane seconded the motion that trappers be required to personally present the bobcat pelt for tagging to an FWP employee within 10 days of the season closure or before selling the pelt. The Department must also look into the possibility of establishing a toll-free reporting telephone number. Motion carried.

Incidental Take

Action: Walker moved and Mulligan seconded the motion to approve the Incidental Take addition to the regulations as recommended by the Department. Motion carried

Export

Action: Walker moved and Lane seconded the motion to approve the amendments to the Export section of the regulations as recommended by the Department. Motion carried.

FISHER

Limit

Action: Walker moved and Lane seconded the motion to approve the amendment to the fisher Limit regulations. Motion carried.

Incidental Take

Action: Walker moved and Lane seconded the motion to approve the amendment to the fisher Incidental Take regulations. Motion carried.

Pelt Tagging and Reporting

Action: Mulligan moved and Lane seconded the motion that trappers be required to personally present the fisher pelt for tagging to an FWP employee within 10 days of the season closure or before selling the pelt. The Department must also look into the possibility of establishing a toll-free reporting telephone number. Motion carried

WOLVERINE

Trapping District - Create management units.

Action: Lane moved and Walker seconded the motion to approve the wolverine trapping district regulations as amended. Motion carried.

David Guillard, Predator Conservation Alliance, said his organization supports this change.

Limit

Action: Mulligan moved and Lane seconded the motion to approve the wolverine Limit regulations as amended. Motion carried.

Quota

Action: Mulligan moved and Lane seconded the motion to approve the wolverine Quota regulations as amended. Motion carried.

Reporting

Action: Walker moved and Mulligan seconded the motion to approve the wolverine Reporting regulations as amended. Motion carried.

Pelt Tagging

Action: Mulligan moved and Lane seconded the motion that trappers be required to personally present the wolverine pelt for tagging to an FWP employee within 10 days of the season closure or before selling the pelt. The Department must also look into the possibility of establishing a toll-free reporting telephone number. Motion carried.

Incidental Take

Action: Walker moved and Mulligan seconded the motion to approve the wolverine Incidental Take regulations as amended. Motion carried.

LYNX and SWIFT FOX

No changes to seasons.

Action: Mulligan moved and Walker seconded the motion to approve the Lynx and Swift Fox season regulations as recommended by the Department. Motion carried.

12. 2004 Moose, Sheep & Goat Quotas – Final. (Complete packet can be found in June Commission file). Hammond presented the moose, sheep and goat quotas for consideration.

MOOSE

Region 1 – Moose

No changes to tentatives.

Action: Murphy moved and Walker seconded the motion to approve the Region 1 moose quotas as recommended by the Department. Motion carried

Region 2 - Moose

No changes to tentatives.

Action: Murphy moved and Walker seconded the motion to approve the Region 2 moose quotas as recommended by the Department. Motion carried.

Region 3 – Moose

No changes to tentatives.

Action: Mulligan moved and Lane seconded the motion to approve the Region 3 moose quotas as recommended by the Department. Motion carried.

Region 4 – Moose

No changes to tentatives.

Action: Lane moved and Walker seconded the motion to approve the Region 4 moose quotas as recommended by the Department. Motion carried.

Region 5 – Moose

No changes to tentatives.

Action: Walker moved and Mulligan seconded the motion to approve the Region 5 moose quotas as recommended by the Department. Motion carried.

SHEEP

Region 1 – Sheep –

No changes to the tentatives.

Action: Murphy moved and Walker seconded the motion to approve the Region 1 sheep quotas as recommended by the Department. Motion carried.

Region 2 – Sheep

No changes to the tentatives.

Action: Murphy moved and Walker seconded the motion to approve the Region 2 sheep quotas as recommended by the Department. Motion carried.

Region 3 – Sheep

No changes to tentatives.

Action: Mulligan moved and Lane seconded the motion to approve the Region 3 sheep quotas as recommended by the Department. Motion carried.

Region 4 - Sheep

3 changes to tentatives.

Action: Lane moved and Mulligan seconded the motion to approve the Region 4 sheep quotas as recommended by the Department. Motion carried.

Region 5 - Sheep

No changes to tentatives.

Action: Walker moved and Mulligan seconded the motion to approve the Region 5 sheep quotas as recommended by the Department. Motion carried.

Region 6 – Sheep

No changes to tentatives.

Action: Walker moved and Lane seconded the motion to approve the Region 6 sheep quotas as recommended by the Department. Motion carried.

GOATS

Regions 1 – 5 – Goats

No changes to tentatives.

Action: Mulligan moved and Lane seconded the motion to approve the Region 1-5 goat quotas as recommended by the Department. Motion carried.

13. 2004 Lion Quotas – Final.

Regions 1 – 7 - Lions

No changes to tentatives.

Action: Walker moved and Mulligan seconded the motion to approve the Region 1-7 lion quotas as recommended by the Department. Motion carried.

14. Ringneck Property Fee Acquisition – Final. Jim Williams, FWP Region 1 Wildlife Manager, said this is a fee title acquisition to Ninepipe Management area. It is a 200-acre addition owned by 3 partners, and is appraised at \$450,000. This parcel lies adjacent to the WMA and Pheasant Forever property. The proposal has received alot of support, and was approved for consideration by the Tribal Board.

Sid Rundell, Pheasants Forever, spoke in support of this proposal. Rundell also spoke for John Lee, Missoula Pheasants Forever, who asked Rundell to express the support of his organization as well. Jeff Young, Polson Outdoors, said his organization is also in full support.

Action: Murphy moved and Lane seconded the motion to approve the 200 acre Ringneck land acquisition as recommended by the Department. Motion carried. Four in favor and 1 opposed (Brenden opposed).

15. Weaver Slough Conservation Easement Acquisition - Final. Jim Williams, FWP Region 1 Wildlife Manager, said this proposal is for the acquisition of a conservation easement of 449 acres of wetlands, farmland and riparian forest in the amount of \$898,000. FWP would co-purchase this land with the Flathead Land Trust. Migratory Bird Stamp dollars in the amount of \$180,000 would be utilized along with \$331,200 of NRCS Farm and Ranch Protection fund, \$114,000 of BPA Fisheries Mitigation funds, and \$272,400 of NAWCA funds. It is great for nesting and breeding birds, songbirds, pheasants, furbearers, migratory swans, and fisheries attributes as well. The property owner has retained water rights, and the rights to develop two residential homesites.

Williams said the terms of the easement allow the continuance of farming, which presently involve haying alfalfa and growing wheat. Darlene Edge, FWP Land Agent, said commercial use and subdivision is prohibited, other than the two homesites. The tax base will remain as is.

Murphy asked how the appraisal compared to the Ringneck land. Williams replied that it is comparable. Williams said two public meetings were held and sportsmen fully understand fully that this land is not for hunting. Access is not a component.

Roger Semier, Executive Director of the Flathead Land Trust, said it has been made clear that the landowners do not have to allow public access. Mulligan said he wants the access issue made clear because FWP easements normally equate access.

Action: Murphy moved and Lane seconded the motion to approve the Weaver Slough conservation easement purchase with the Flathead land Trust as recommended by the Department. Motion carried. Three in favor – two opposed (Walker and Brenden opposed).

16. Blackfoot Clearwater WMA – 50th Anniversary Completion – Final. John Firebaugh, FWP Region 2 Wildlife Manager, said this project was initiated 5 years ago, and was done with the cooperation of DNRC, RMEF, Plum Creek Timberlands, Five Valleys Land Trust, Lolo National Forest, and the Nature Conservancy. The purpose of this project is to secure 7,800 acres of the Plum Creek inholdings within the heart of a winter range to winter 1,200 elk, 900 mule deer, and 700 whitetail deer. This phase involves 3,800 acres within the game range and is the final phase. Phase 1 was the acquisition of 856 acres, and Phase 2 was the acquisition of 3,000 acres. The comment period ended in the middle of May – 16 written comments and 2 phone calls, all in support of the project, were received. The eighteen people who attended the public hearing in Seeley Lake were also in support. This is the final phase, and it is for FWP to purchase the last 3,834 acres of Plum Creek inholdings in fee title, currently held by RMEF, at a cost of \$3.3 million dollars. The Department has applied for Federal Legacy funding and feels there is a good chance of receiving it.

Firebaugh said FWP has a cooperative management agreement with DNRC. It is a new concept to manage the property as one whole unit. He also said FWP will manage the timber for wildlife; tree cover provides a snow canopy.

A spokesman from Rocky Mountain Elk Foundation spoke in support of this acquisition.

Mulligan said he has been involved with the decisions since inception, and it provides a unique opportunity for the two agencies to work together.

Action: Murphy moved and Mulligan seconded the motion to approve the proposal for FWP to spend approximately \$3.3 million from the Habitat Montana fund to purchase fee-title 3,834 acres within the Blackfoot-Clearwater Wildlife Management Area from the Rocky Mountain Elk Foundation as recommended by the Department and described in the Final Environmental Assessment and Decision Notice. Motion carried. Four in favor – one opposed. (Brenden opposed).

17. Whiskey Ridge Update – Informational. Darlene Edge, FWP Land Agent, said the original people involved decided to keep their land. FWP will only pursue purchasing a conservation easement on a piece of property owned by their sister, which is west of the Stulc's property. This is predominantly sheep country. FWP will thank Wilson and Nancy Stulc for their time, and will express to them that the Department may still be interested should they wish to sell at a future date.

18. Public Opportunity to Address Issues Not Discussed at this Meeting. No comments.

Meeting adjourned at 5: 47 p.m.

Dan Walker, Chairman

M. Jeff Hagener, Director